\$5.90 to \$14.50

\$12.50

\$5.00 to \$15.00

\$13.50

\$16.50

\*18.50

Winter Resort Apparel

The New and Authoritative Models

For Women and Children

Our collection of such garments is big, diversified and authoritative. The models anticipate in form, fabric and designs the styles which are to be pre-

sented for next summer's service. Some of the

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of batiste or nainsook, hand-embroidered, \$8.95 to \$45.00

Adaptations of the imported blouses, \$5.95 to \$15.00

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Advance models designed abroad of leghorn and kindred strawe;

The New Panama Hats for Women

Conservative and rakish models, \$5.00, \$8.00 and \$10.00

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Glace kid and calf-skin oxfords in white and pastel tints, to match

Summer Gloves of Silk and Lisle

Short and mousquetaire lengths in black, white and delicate colors

Summer Suits for Boys

Washable Suits in Russian and sailor models of galates, chambray,

Suits and Reefers of imported tropical worsteds in the new spring

Summer Dresses for Girls

Washable white lingerie dresses of sheer lawns, mulls, batister

and embroideries in princess, dutch neck and long waist models,

Herald Saks & Company Square

Specialists in Apparel for Men, Women and Children.

Blouses of white batiste with tinted embroideries,

together with black chip-straw and maline travelling hats.

alaborate and altogether exclusive.

Platted models of linens and piques,

plain or embroidered in tints.

poplin, duck and linen,

## ACTION TO OUST THE MAYOR.

ATTORNEY-GENERAL PROCEEDS IN THE NAME OF THE STATE.

Flat Averment Made That the Mayor Is a Usurper Who Has Gusted Hearst and Should Himself Be Gusted—His Lawyer Makes Retort "Rottenness and Riot."

Mayor McClellan was served yesterday morning with a summons and complain in a suit brought by Attorney-General William S. Jackson in the Supreme Court of New York county to oust him from the office of Mayor and seat William R. Hearst This is a distinct action from the quo warranto proceedings which were begun on the application of Mr. Hearst and held up by a temporary injunction obtained by the

The new action, begun by the Attorney General at his own instance, is brought under Section 1948 of the code and alleges flatly that Hearst was duly and legally elected Mayor and that Mr. McClellan is a usurper. In the event of the present suit going in favor of the Mayor the costs will be paid by the State. In a que warranto brought on Hearst's application Mr. Hearst would have hadto stand the expenses.

The new action will be prosecuted by Deputy Attorney-General Donnelly, with Clarence J. Shearn, Mr. Hearst's personal attorney, as special counsel.

The complaint alleges not on information and belief but as matter of fact that in "each and every election district" in the greater city in 1905 ballots that were lawfully marked and cast for Hearst were counted by the inspectors of election as votes for McClellan, and that these "miscounts" formed the basis of the returns.

The complaint charges further that in each and every election district illegally marked ballots were counted for McClellan and that the inspectors omitted to place these ballots in envelopes and file them as required by law but returned them to the ballot boxes. It is alleged that unregistered men were allowed to vote for McClellan and that in many other ways the election laws were violated.

The complaint says that the illegal votes which Hearst ought to have got but did not greatly exceed the difference between the votes for the defendant McClellan and the said Hearst, by precisely how much the plaintiff is unable to state. The complaint goes on:

"Notwithstanding the election of the and belief but as matter of fact that in

and the said Hearst, by precisely how much the plaintiff is unable to state. The complaint goes on:

"Notwithstanding the election of the said Hearst to said office of Mayor by the greatest number of legal votes cast at the said election, the defendant George B. McClellan has usurped and intruded into and now unlawfully usurps and holds the said office of Mayor and unlawfully claims and assumes to be the Mayor of said city and to have the right to perform the functions of that office."

It is demanded that judgment be rendered upon the right of Hearst to the office and also upon "the pretender right" of the defendant. The complaint further demands in the name of the people of the State that it be adjudged that McClellan has no just or legal right to the office and asks that he "be ousted and excluded" from it. Judgment is sought further which will allow the State to recover the costs and disbursements of the action.

Mayor McClellan has twenty days in which to answer the complaint. He may ask for an extension of twenty days then. The Court will probably be asked to name commissioners to recount the vote.

The papers were served on the Mayor just about noon. He turned them over to his counsel, Eugene Lamb Richards, and went home ill with the grip. Mr. Richards afterward made this statement:

"An eloquent partisan of the recent Buffalo convention said, that in the present condition of affairs—the nomination of Mr. Hearst for Governor impending—in making a choice between rotrenness and riot, he preferred riot. To riot is to be guilty of wanton and unrestrained behavior. The description of the orator was that

The description of the orator was that of the Hearst followers at Buffalo. He nominated his ticket, and "Fingy" Connor's representative upon it fell to the office of Attorney-General. Did the orator have

a vision?
"In the orderly course of justice it had been determined that a suit against Mayor McClellan to test the title to his office ought not in reason and justice to be brought. This decision was arrived at by the Republican Attorney-General after a most careful inquiry. He refused to permit the Mayor to be harrassed and oppressed by a suit in which only failure could be anticipated upon the part of his office.

"At the invitation of the succeeding Attorney-General, Mr. Hearst was asked to renew his application to have an action brought, which he has done. Then Mayor McClellan asked the Court whether the now Attorney-General has the power to

McClellan asked the Court whether the now Attorney-General has the power to reverse the decision of his predecessor on the same facts. The Court has made an order and issued its writ of prohibition against the Attorney-General, forbidding him to determine the question involved viz. Whether he has the power to reverse his

viz.. Whether he has the power to reverse his predecessor and bring the suit.

"The Attorney-General immediately thereafter determined that he did have the power, and has brought the suit. There appears to have been no restraining hand upon him. After the writ was served he immediately came to New York and sought the counsel of Mr. Hearst and of his attorneys. They advised a defiance sought the counset of Mr. Hearst and of his attorneys. They advised a defiance of the Court's great writ. The Attorney-General forsook the dignity of his office, and of his own autonomy violated his oath of office to maintain the law and inaugu-

of office to maintain the law and inauguated a reign of 'riot.'

"What hope of justice does there remain to any litigant, let alone the Mayor of our city, when the chief law officer of the State in his first important act overrides the authority of the courts?

"Mayor McClellan is certainly justified in hesitating to submit any right of his to a tribunal so reckless, outrageous and riotous as that of the present Attornay General. With an incumbent so careless of his dignity, so reckless in his conduct, so contemptuous of the law, a courf only of impeachment might adequately deal—and the sooner the better. The preference of 'riot' to 'rottenness' has yet to be demonstrated.

"Furthermore, a conservative estimate

Furthermore, a conservative estimate of the cost of a quo warranto action. in-volving the contest of an election where This expense the Attorney-General has saddled upon the State in his effort to be-friend Mr. Hearst by the bringing of the

This expense the Attorney-General has saddled upon the State in his effort to befriend Mr. Hearst by the bringing of the action in his own name, and not upon the relation of Mr. Hearst. Does the taxpayer think this is rottenness or riot?"

Attorney-General Jackson came down from Albany last evening, and for about two hours had a conference at the Hoffman House with his deputy, W. A. De Ford.

ALBANY, Jan. 7.—In defence of his action the Attorney-General to-day issued a long statement reviewing the efforts of Mr. Hearst to get a recount from the Legislature. The Attorney-General concludes:

"The new Governor, immediately after assuming office, recommended to the new Legislature the passage of the recount bill, and the bill was thereupon reintroduced in the Senate and the Assembly. The passage of this bill at an early date probably would be the most expeditious way to settle the question. However, in view of the former disposition of this measure the public interests may not be safely made to depend upon a legislative conscience which has been stirred to activity only by the warning of recent party disaster.

"I have brought this action to try the

"I have brought this action to try the title of office of Mayor of the city of New York. The charge is made in the complaint that George B. McClellan, the present incumbent, is a usurper, and that William Incumbent, is a usurper, and that William Randolph Hearst is the rightful Mayor, not because of prejudice, but merely to raise the issue. The determination of this question is imperatively demanded by common howests. by common honesty. No honorable man can object to having the truth known.

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The Hot Springs of Arkanaas the nation's cure
pleasure resort. Fine winter climate. 200
Is at all prices. Write Bureau of Information
book. Or address Iron Mountain Route. 335
adway. or Rock Island System. 401 Broadway.
W York.—Ads.

EXPENSE. A reducmeans a correspond-ing increase in the net income of an estate. Inquire

THE EQUITABLE TRUST COMPANY OF NEW YORK

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to the elective franchise cannot be tolerated if free and honest government is to endure. Public office belongs to the people rather than to the individual. An attack upon the integrity of the franchise in New York city or in any other locality should be promptly and vigorously resented, not alone by individual candidates for office, who may be personally affected, but by the State.

may be personally affected, but by the State.

"The State of New York is able to enforce her laws: Where there are reasonable grounds to doubt the validity and honesty of an election the establishment of the legal title to public office should be a public and not a private burden.

"As to the writ of prohibition, no one should have allowed a court to take such an all-advised position. Leave to bring the action in the nature of que warranto proceedings could have been granted by me without any hearing or consideration. To extend a bearing was merely a courtesy. The court might as well enjoin me from inviting a man to dinner.

"Although my action has rendered the insistence upon this remedy of no value to the defendant, I shall make a return to the writ in order to have the legal phases properly presented to the court and to avoid the possibility of s ch absurdities becoming law or precedent."

ROAD AGENTS ON ELEVATED. Strongarmed Thieves Rob a Man as He Enters a Car.

Bernard Solomon, a dealer in women's suits at 346 Sixth avenue, boarded a Third avenue elevated train at Twenty-third street last night to go to his home, at 678 Union avenue.

Just inside the oar three men surrounded him and while one of them had his hand clapped over Solomon's mouth, the two others jerked at his watch chain and got his \$100 gold watch.

The car was in an uproar instantly. A

The car was in an uproar instantly. A dozen men pressed toward the road agents, but the three formed a flying wedge and pushed their way out to the platform. They forced the guard aside and jumped off as the train reached the Thirty-fourth street platform, and before it had stopped. At the bottom of the elevated stairs they separated. A number of the passengers followed one man who was seen running through Thirty-fourth street, and he was arrested. He said he was Herman Merina, a pedler.

KILLS MOTHER AND HIMSELF. ion, Ill, Despondent and Nervous, Commits

PROVIDENCE, Jan. 7 .- Mrs. Harriet C. Rhodes, 65 years old, was shot dead while sitting in a rocking chair in her home at the Franklin Hotel some time last night, by her son, William M. Rhodes. The son then turned the weapon to his

own head and sent a bullet through his

brain.

Both were found dead this morning.

The authorities hold the theory that despondency, due to ill health and extreme nervousness, led Rhodes to murder his mother and take his own life.

Rhodes, who was well to do, and his mother came from Westerly about ten years ago. The son had a real estate office.

Rhodes was a man of good habits, unmarried and devoted to his mother.

Proposed Inquiry Into the "Poison Squad." of Virginia to-day offered a resolution asking the Secretary of Agriculture to inform the House by what authority the food tests by Dr. Wiley. Chief of the Bureau of Chemistry, and his "poison squad" were held. The resolution also seeks to ascertain whether or not these tests were responsible for the death of Robert Vance Freeman, who was a member of Dr. Wiley's class which ate so-called poisoned food. Young Freeman did not continue in the class until the end of the tests died several months after they had been completed. His relatives assert that his death was due to his course in the "poison squad." of Virginia to-day offered a resolution ask-

Col. Godfrey to Be a Brigadier. WASHINGTON, Jan. 7.- Announcement was nade here to-day that Col. Edward S. Godmade here to-day that Col. Edward S. Godfrey, Ninth Cavalry, will be made a Brigadier-General to fill the vacancy caused by the advancement of Major-Gen. J. Franklin Bell, Chief of Staff, who reached his present rank a few days ago. There has been much speculation is to what selection would be made by the Secretary of War. There were half a dozen men eligible for advancement. Col. Godfrey has had a long service. He was in comand of the regulars at the battle of Wounded Knee.

Montreal Railway Inquiry. MONTREAL, Jan. 7 .- At a meeting of the Corn Exchange to-day resolutions were passed unanimously asking that the rail way commission investigate the railway situation in Montreal. It is desired that the commission secure for the trade a decision making demurage charges reciprocal, so that the consignee shall have equal rights with the railways.

The high pressure central over the South Atlant States yesterday caused warmer weather in almost all sections north of the Gulf States, and where and southern Lake regions to the Atlantic Coast There was no freezing weather east of Lake Su-perior, but zero covered northern parts of Minneperior, but zero covered actualin parts of mindesota, North Dakota and Montana. There was a low pressure area coming in from the Pacific Coast, with an arm extending to the upper Lake regions, causing rain and thunderstorms in the middle Mississippi Valley and southern parts of the upper Lake regions and snow in the Northwestern States. Cloudiness prevailed generally in the Lake regions and east to the chast, with rain in northern New York. Rain also fell on the Pactic Coast and snow at scattered points in the western Rocky Moun-

wind, fresh southwest; average humidity, 49 per cent.; barometer, corrected to read to sea level, at

WARHINGTON PORRCAST FOR TO-DAY AND TO-MORROW. For eastern New York, rain in south and rain or move in central and north portions to-day: fair to-morrow and outder in extreme south portion: earlable For the District of Columbia and Delaware.

partly cloudy to-day: fair and colder to-morros ariable winds, becoming north and fresh. For Maryland, partly cloudy to-day, rain and roider in west portion: fair and colder to morrow; variable winds, becoming north and fresh. For New Jersey, cloudy to day and probably

rain and colder in north portion; fair and colder to morrow: variable winds, becoming north and

For New England, fair in north and rain and colder in south portion to-day; fair to-morrow; fresh northwest to north winds.

For western New York, snow and colder te-day and probably to-morrow; fresh morthess winds.

NEW PORT FOR CUNARDERS

THE NEW 25 KNOT LINERS MAY RUN TO CHERBOURG.

r of the Big Steamship Companies No an Improbable Result of the Change iors of Other Big Fast Steas

Line will begin a service between Cher-bourg and New York was followed yester-day by unofficial confirmation of a rumor that has been in the air some time that the great twenty-five knot Cunarders, the Lusitania and the Mauretania, also will land passengers at Cherbourg and dock at Southampton. In partial corroboration of the rumor there was cited the despatch from London in THE SUN yesterday saying that the London and Southwestern Railway will build five quays at Southampton capa-ble of berthing the mammoth Cunard tur-

Vernon H. Brown, general agent of the Cunard Line in this city, said that any information on the point would have to come from the Liverpool office. He was not officially aware of any such intention. It was learned from other sources, however, that the big ships would not go to Liverpool, although the Campania and Lucania probaoly would continue to touch at Queenstown

bly would continue to touch at Queenstown and run up the Mersey to Liverpool.

A representative of one of the great German lines was sceptical about the intention of the Cunard Line to make Southampton the terminal for the swift turbines. He said that it looked somewhat improbable that the British Government, which had lent the Cunard Line the money to build the leviathans at 2½ per cent., would let the line go back on its contract to land the mails at Queenstown. In response to this objection it was said that the English mails were more important than the Irish, and that the delivery of the English mails by way of Southampton was swifter than by way of Liverpool. Anyhow, TRE SUN'S informant said, the British Government would be unlikely to insist upon the fulfilment to the letter of a contract that might interfere with the success of the line's new ships, in which it was financially and patriotically interested.

triotically interested.

With the advent of the Cunard speeders in the service between New York and the Continent there may be a merry tuesle between the German and the British for the between the German and the British for the dollars of the American traveller. The swiftest ships have been always the favorites with the rich folk of Yankeeland. The Hamburg-American liner Deutschland and the several Kaisers of the North German Lloyd fleet generally have crowded cabins in the season, and fairly filled cabins out of the season, while the slower boats, save some of the palatial eight day giants, seldom have all room taken. The American loves a record breaker and if the Cunard Line's new boats fulfil expectations, making a minimum sustained speed from port to port of between 24 and 25 knots, there is little doubt that it will get a lot of patronage

a minimum sustained speed from port to port of between 24 and 25 knots, there is little doubt that it will get a lot of patronage that it would not get otherwise.

At present the passenger traffic to the Continent by way of Cherbourg is divided between the two big German lines and the American Line, whose ships once piled between Liverpool and New York. With two more lines, the White Star and the Cunard, bidding for this traffici somebody is bound to get hurt financially. The answer of the North German Lloyd Line to the new Cunarders is the Kronprinzessin Cecilie. She was launched on December 1 at Stettin, and is 706.5 feet long, or about seventy-five feet shorter than the Lusitani and Mauretania. She is equipped with quadruple expansion engines of the ordinary kind of 45,000 horse-power, which her builders declare will give her a speed of twenty-four knots. She will burn 700 tons of coal a day.

It is not known on this side what the Hamburg-American Line is going to do, but there have been several hints in British engineering and shipping periodicals that its response to the Cunard turbines will be another turbine of lighter hull and power somewhat above the British ships. Meanwhile, the directors of the line are waiting to see what the first of the Cunarders is going to do next summer. According to an English engineering journal the Noth German Lloyd intends to stick to the old fashioned engines for a time at least 15.

an English engineering journal the North German Lloyd intends to stick to the old fashioned engines for a time at least. Its chief engineer, the journal says, declares that the turbine increases the cost of ships, but does not increase their ability to manceuvre, and in a rough sea they are inferior to ordinary engines. These declarations are not confirmed by the experience of the Cunard Line with the steamship

Carmania.

It would be little glory for the new Cunarders to make a record on the Queenstewn route, where they have no competitors in speed. To snatch the blue ribbon from a foreign line on the Cherbourg racecourse, making the trip in five days, would be worth while. This will mean that a voyager who sails out of Sandy Hook on Saturday morning may be able to eat his dinner in Paris on the following Thursday.

HEAVY LOSS TO LIVERPOOL. Descriton by the White Star Line Mean £800,000 Yearly.

Special Cable Despatch to THE SUN. LONDON, Jan. 7 .- The Cunard Steamship Company announces that it has long con sidered the question of availing itself of Channel ports. It adds that it must sooner or later use them owing to the facilities they offer to first class Continental traffic, but for the present it will continue using Liverpool as the port of departure and ar-

The bad shock that Liverpool received from the decision of the White Star Line to tise Channel ports is intensified by the Cunard company's announcement. It is calculated that the port will lose £800,000 yearly in wages alone by the White Star ers, coal owners and others will lose enormously. There is reason to believe the the new Cunard steamers Mauretania and Lucitania will be the first vessels of that company to use Southampton. This will be a serious loss and disappointment Liverpool if it proves to be correct.

HAMBURG, Jan. 7.—The fall in the prices of North German Lloyd and Hamburg-American Steamship companies' stocks here and at Berlin reflected the surprise here and at Berlin reflected the surprise and uneasiness caused by the move of the White Star Line. There is talk, entirely speculative and unofficial, that the German companies will fight the new competition by rate cutting. It is said in some quarter that the White Star Line is breaking its agreement with the German companies by taking its decision without the latter's consent.

Nominations by the President WASHINGTON, Jan. 7.—The Presiden co-day sent to the Senate the following

Philbrick, for the district of York, Me.; Will-

Captain: Lieuts. Luke McNames, Charles J Lang and Martin E. French, to be Lieutenant-Commanders; citizens to be ass surgeons, Renier T. Straeten of South Dakots War-Lieut.-Col. Charles L.

Twenty-third Infantry, to be Colonel; Major Edwin F. Glenn, Fifth Infantry, to be Lieutenant-Colonel; Capt. Zebulon B. Vance Eleventh Infantry, to be Major; First Lieuse. Josiah C. Minus, Tenth Infantry; Charles M. Bundel, Twenty-third Infantry; Laurence Halstead, Thirteenth Infantry; Frederick Van Duyne, Fourth Infantry; Charles D. Herron, Eighteenth Infantry; James Hanson, Fourteenth Infantry: Fred R. Brown, Ninth Infantry, and William T. Merry, Twenty-

third Infantry, to be Captains.

Postmasters—New York—Lucius A. Waldo,
Canisto; Winfield S. Vandewater, Cedarhurst;
Bidney R. Cloyes, Earlville; Millard D. McNeil,



\$13.75 Reduced from \$15, \$18, \$20, \$22

The mighty inroads made into our stocks last week necessitate the drawing on more of our higher, priced lines to fill in the gaps. The assortment and values, if anything are strengthened, representing in all the greatest showing of men's Winter Suits and Overcoats of high standing ever priced as low as \$13.75.

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Houston Street

## RUBBER SHOE TUNNEL TRIP.

BELMONT "INSPECTED" IN A MOST MYSTERIOUS WAY.

ichols and Parsons After Inviting Reperters Bodge Them and Ge Down the Shafts in Long Island City and Manhattan-Cherus of "Nothing to Say."

A so-called inspection of the Belmont tunnel from the loop far under the ground at the Grand Central Station, across Fortysecond street and under the East River to Long Island City was made yesterday by Harry P. Nichols, head of the city's franchise bureau. He was accompanied by William Barclay Parsons, the chief engineer of the tunnel company. Both wore rubber shoes and their actions led apectators to believe that they were precinct sleuths engaged in solving a great

Their first move was to avoid reporters Mr. Nichols had on the day before invited the City Hall newspaper men to accompany him on the journey underground, but he changed his mind after he had had a talk with Mr. Parsons. It was Mayor McClellan who asked Mr. Nichols to take the newspaper men along so that the general public might be informed as to the exact condition of the work in the tunnel, particularly with reference to whether either or both of the tubes had been out through in conformity with the terms of the old Steinway franchise, which the Belmont com-

pany now owns. This franchise provides that the tunne should be in operation by January 1, 1906. The reporters were told to gather at Mr. Parsons's office, 60 Wall street, at 11 o'clock in the morning. When they got there they found that both Mr. Nichols and Mr.

sons had given them the slip. The "inspection" party had gone to Long Island City and descended in one of the shafts there. When they came up after spending forty minutes underground they did not go to the ferryhouse, as was expected, but hurried to the tug Margaret, which carried them to the foot of Fiftysecond street, Manhattan. Here they dodged another bunch of reporters. Instead of stopping to answer questions they ran to the enclosure about the shaft and slammed the gate behind them. "Officer." called back one of the party,

if these men try to get in here asking questions knock their damned heads off. When the party reappeared on the sur face they were as dumb as oysters about what they had seen or what the result of

their inspection was. When seen at his office afterward by a Sun reporter Mr. Nichola declined positively to say anything about the incidents of the morning. nor would he give the names of the officials who accompanied him. "I refuse absolutely to say anything

newspaper men about this matter," said he. "I will make my report to the Board of Estimate at the proper time and this of course will be made public when the board sees fit."

board sees fit."

At Mr. Parsons's office his secretary said he had gone for the day, but he was sure that Mr. Parsons was willing to let the newspaper men go through the tunnel at some future time. As to Mr. Parsons's at some future time. As to Mr. Parsons's reason for not wanting to take them along yesterday he knew nothing, he said.

Why the Belmont people surround their operations in the tunnel with so much mystery is puzzling to outsiders, in view of the fact that the representatives of the company assert that they do not fear publicity and that it is a matter of minor importance whether the tubes were ready for operation on January 1 last. When asked about the matter yesterday one of them said:

"Certainly we have nothing to conceal. The work is progressing in a most satisfactory manner, and I see no reason why the public should not be told about it. In fact my understanding is that several reporters have already gone through the

reporters have already gone through the tubes."
"Then the tubes have been cut through?"

"Then the tubes have been cut through?" he was asked.

"Well—er—yes, I believe one of them has," was the reply.

It is now known that Mr. Belmont and his associates are not worrying over the efforts that Corporation Counsel Ellison and his first assistant, Theodore Connoly, are making to have the franchise declared void by the courts. The matter has already been twice before the Supreme Court, and in both cases the Belmont company won. An appeal has been taken by the city and the final decision on appeal as to the validity of the franchise is soon to be given. It is said that the Belmont people do not doubt for a moment that they will win. So confident are they that the franchise is valid that they have gone shead and spent an enormous amount on the work of building the tubes. The entire undertaking will cost about \$7,000,000, and it is estimated that \$5,000,000 has already been spent.

estimated that \$5,000,000 has already been spent."
One of the things that make the company so confident is that the validity of the franchise has been practically passed upon favorably by both Secretary Root, when he was at the head of the War Department and by the then Attorney-General of New York State. The company wanted to sink a shaft on Man-of-War rock in the East River and they had to get the consent of both of these officials. It is declared that these consents could never have been obtained if the officials in question had not come to the conclusion that the franchise come to the conclusion that the franchis

was valid.

The decision of the Court of Appeals will in all probabilit settle the question of the ownership of the tunnel. If the city wins the tunnel will become the property of the municipality. Nevertheless the Belmont people declare that the city, even if it does win, will never be able to lesse it.



Cluett Shirts fit perfectly-wear longest-look best for every type and every occasion.

CLUETT, PEABODY & CO.,

under the present law in regard to franchises for the simple reason that it will never be able to find bidders for short term leases. The tunnel, they assert, could never be made profitable in any event unless the company leasing it had control of the trolley system in Queens. This system is now controlled absolutely by the Belmont interests and they are getting ready to spend \$9,000,000 on its improvement to meet the increased traffic when the tunnel is completed.

INSURANCE BALLOT PRGTESTS.

room of the Mutual Life Building yesterday when the five inspectors who are countingor getting ready to count-the ballots cas in the recent election gave a hearing on protests and took under consideration

protests and took under consideration their powers in deciding just what was and what wasn't a legal vote.

Louis Marshall represented the international policyholders' committee, while James M. Beck was there for the administration. Mr. Marshall started off by arguing that the "single shot" ballots cast for the administration ticket were not legal and should not be counted. The bulk of the administration ballots came in on these blanks.

These are the ballots that have been referred to by the opposition to the administration as the "Peabody trick ballots." The basis for objecting to these is that they are not designated in any way that would show the policyholder just what ticket be was voting.

woup show the policyholder just what ticket he was voting.

Lawyer Beck argued at length to show that no judicial power was vested with the inspectors of election to decide whether or not these ballots were good or bad and that all the inspectors had to do was to go ahead and count them and let the courts decide on the validity. He asserted that the international committee ballots to go shead and count them and let the courts decide on the validity. He asserted that the international committee ballots that were addressed to Richard Olney as chairman of the committee and voted from the latter's headquarters were no good and should be thrown out. He referred to them as the "Olney fraud ballots" as Mr. Marshall had spoken of the "Peabody trick ballots."

Lawyer Beck's reference to the "Olney fraud ballots" made Mr. Marshall hot under the collar. He said:

"The word trick has long been associated with the name of Peabody, but it remains for Mr. Beck to associate the honored name of Richard Olney with fraud."

Mr. Beck then apologized and said:

"Of course, my reference to the Olney fraud ballots was an exaggeration, but I want to say that it is no more of an exaggeration than that reference to the Peabody trick ballots."

It was then Mr. Marshall's turn to apolo-

was then Mr. Marshall's turn to apolo-

It was then Mr. Marshall's turn to apologize Meanwhile the five inspectors decided that they didn't want to hear any more arguments and said they would take the matter under consideration among themselves. The inspectors said that they hoped but were not sure to be able to begin to count the vote on Thursday morning. The inspectors are getting \$35 a day out of the funds of the policyholders. There are approximately \$45,000 votes in the Mutual to be counted. The inspectors have devised an elaborate card index system to be used in counting the vote.

Up at the New York Life the five inspectors detailed there and also getting \$35 a day from the policyholders haven't started to count either. While they haven't got a card index, they have hit upon an equally brilliant scheme. They are now counting the envelopes that contain the ballots. When they finish doing this they will start in to count the ballots.

Mrs. Sasah Brevoort Potts, widow of Frederic A. Potts, at one time president of the New York, Süsquehanna and Western Railroad and headlow, the oost firm of F. A. Potts & Co., 148 Libertz, street, died at her home, 39 East Thirty-ninth street yesterday of pneumonia. She was 72 weers old, a native of this city and a daughter of the late Henry Brevoort. Surviving relatives are three sons, Frederic A. Potts of Lakewood, W. B. Potts and Rockhill B. Potts of 39 East Thirty-ninth street, and two daughters, Mrs. R. M. Bull of 40 East Fortieth street and Mrs. W. Curtin Peet of 39 East Thirty-ninth street.

Albert Benjamin Gibbs, one of the oldest

Peet of 39 East Thirty-ninth street.

Albert Benjamin Gibbs, one of the oldest members of the New York Produce Exchange, died on Sunday at his residence, 48 East Seventy-eighth street. Mr. Gibbs was born in 1829 and was, a manufacturer of linseed oil in this city for more than fifty years, the retired from business eight years ago on account of poor health. He was a charter member of the Downtown Association and of the New York Ciub. His wife and daugher, an only child, survive him.



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KILLED BY A RUNAWAY. oman and Five Children Injured at

Corner-One of the Children Dies Soon. A runaway truck team without a driver an over a woman and five children while they were crossing First avenue at Seventyfourth street yesterday afternoon. Sidney Klappel, the sixteen-month-cid son of Mrs. Minnie Klappel of 389 East Sixtyninth street, was crushed and died a few minutes after he had been taken to the Presbyterian Hospital. Mrs. Klappel was so seriously injured that she has chance to live, and her five-year-old son Harry was badly bruised. Frederick Leschman, 7 years old, of 356 East Seventyfourth street, and Frank Shon, 3 years, of 1382 First avenue, are also in the pital suffering from bruises.

Alexander Taggert of 407 York street Jersey City, who is a prisoner at the East Sixty-seventh street station, is a driver for Colgate & Co., soap manufacturers. He was out with a team of bays and a five ton truck yesterday afternoon collecting empty soap boxes at grocery stores. He stopped at the store of Samuel Levine, at 412 East Seventy-fourth street and left his team unhitched. Something caused them to run, and they turned around and hea for First avenue. The short run from the store to the avenue gave persons on the street corner no warning of the runaway coming until the team was upon them.

Mrs. Klappel, who was wheeling the child Sidney and holding one hand of Harry, while her daughter Millie, 8 years old, held the boy's other hand, had just pushed the perambulator off the sidewalk and stepped off herself when the plunging team was on top of the family. The woman tried to shield the child in the carriage, but one of the horses' hoofs was planted squarely in the perambulator, and the woman and the horses' hoofs was planted squarely in the perambulator, and the woman and baby and the boy Harry were crushed to the pavement. The girl Millie jumped to the sidewalk and tried in vain to pull her brother out of harm's way. The Leschman and Shon boys who were hurt were directly behind Mrs. Klappel.

Detective Bonser of the East Sixty-seventh street station was half a block away when he saw the team run over the party. When

street station was half a block away when he saw the team run over the party. When he saw that the team had been stopped a block away without further accidents he sent to the station for the reserves and helped to carry the injured into a pearty doorway. After they had been removed to the hospital in two ambulances Bonser found the driver in the grocery store trembling over the seriousness of the accident. bling over the seriousness of the accident.
Fearing that some of the excitable persons in the neighborhood might try to injure the driver. Bonser waited until he was reinforced and then took Taggert to the station house. Isaac Klappel, Tather of the dead child, is a contractor.

JOTTINGS ABOUT TOWN, reditors' petition in bankruptey has

SENATORS CALL ON PRESIDENT They Find That He Stands Firm Regarding

Senators, including Mr. Hopkins of Illinois, Mr. Hemenway of Indiana and Mr. Han brough of North Dakota, called on the President to-day and the President talked with them about the discharge of the three companies of flegro troops at Brownsville. Tex. Although the conferences were secret was learned afterward that Mr. Roossveit has virtually told several of his recent visitors in so many words that he shall the visitors in so many words that he shall expect the Republican members of the Senate to stand by him in the Brownsville

One Senator who called on the President dent wished to have the question dropped by voting down the Foraker resolution John Bannon of Brownsville, Tex., called at the White House to-day to thank the President on hebalf of the Board of Trade of that place for his action in dismissing the negro soldiers.

WASRINGTON, Jan. 7.—The President to-day transmitted to Congress a message concerning the gold medal presented to France by the United States last April in France by the United States last April in commemoration of the 200th anniversary of the birth of Benjamin Frankin. The presentation was made by Secretary Root is to Ambassador Jusserand. Accompanying the message the President sent a letter from the Ambassador saying that the medal has been placed in the Hall of Honor of the Museum of Medals at Paris.

New Justices Sit in Brooklyn. Five of the Justices elected last November in Kings county were installed in office vesterday and their friends deluged them with sweet smelling flowers. The five who occupied the bench of the Supreme Court for the first time were Justice William J. Carr in Part III., Justice George B. Abbott. in Part IV., Justice Edward B. Thomas in Part V., Justice Joseph Aspinali in Part VI. and Justice Lester W. Clark in Part VII.

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